



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,491	09/24/2003	Wendell Gilmore	2116.00001	3980

7590 04/29/2005

Hollstein Keating Cattell Johnson & Goldstein P.C
Willow Ridge Executive Office Park
Suite 301
750 Route 73 South
Marlton, NJ 08053

EXAMINER

PHILLIPS, CHARLES E

ART UNIT	PAPER NUMBER
----------	--------------

3751

DATE MAILED: 04/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

58

Office Action Summary	Application No. 10/669,491	Applicant(s) GILMORE ET AL.	
	Examiner Charles E. Phillips	Art Unit 3751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-81 is/are pending in the application.
- 4a) Of the above claim(s) 19, 21-23, 33, 49 and 62-80 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18, 20, 24-32, 34-48, 50-61 and 81 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-12, 20, 24-32, 38-41, 43-48, 50-52, 54-57 and 81 are rejected under 35 U.S.C. 102(b) as being anticipated by Fulton et al.

See the container in fig. 5, with first compartment at 29 and second compartment at 24. The second compartment has fill means 125 and fluid path means at 45 with impelling means 65. The claim 3 opening is seen at 31. The claims 4-8 substance is seen at 199. Claim 9 is met by the hose 45. The claim 10 cap is seen at 125. Re: claims 11-12, see handle 149. Claims 24-32 are rejected as the corresponding claims supra as are 38-41, 43-48, 50-52, 54-57 and 81.

Claims 1 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Howard.

See fig. 6 where pump 32 is located in second compartment 13. The first compartment is 31. The fluid path is 33. The fill means would be inherent as fluid resides in 13.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 3751

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-18, 34-37 and 58-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fulton et al, as applied supra, in view of Boisvert.

To provide for the second container of the former to employ bladder technology as taught by the latter at 24 would have been obvious to the ordinary artisan as the use of one water container in lieu of another shown in the same art device would have been prime facie obvious to the ordinary artisan. Re: claim 18 and its equivalents, see valve 14. Re: claim 17 and its equivalents, the use of a plurality of bladders would have constituted an obvious extension of the Boisvert teaching, to the ordinary artisan.

Claims 42 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fulton et al as applied supra.

To provide for the respective compartments to be separate as opposed to integral would have constituted an obvious expedient of choice in design to the ordinary artisan.

Claims 19, 21-23, 33, 49 and 62-80 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 3/17/05.


Any inquiry concerning this communication should be directed to Charles Phillips at telephone number (571) 272-4893.

Application/Control Number: 10/669,491
Art Unit: 3751

Page 4

Phillips/PJ

4/25/05


Charles E. Phillips
Primary Examiner